

ORIGINAL

1 **THE LAW OFFICES OF MARK S. SMITH**
2 456 West O'Brien Drive, Suite 102-D
3 Hagatna, Guam 96910
4 Telephone: (671) 477-6631/32
Facsimile: (670) 477-8831

5 Attorney for Defendant,
6 *Jin Xing Wang*

FILED
DISTRICT COURT OF GUAM

JAN - 2 2008 *JS*

JEANNE G. QUINATA
Clerk of Court

7
8 **IN THE UNITED STATES DISTRICT COURT**

9 **FOR THE TERRITORY OF GUAM**

10 UNITED STATES OF AMERICA,)

11)
12 Plaintiff,)

13 vs.)

14)
15 JIN XING WANG,)

16 Defendant.)
17)

JS
MAGISTRATE

CRIMINAL CASE NO.: 07-00004-001

**DEFENDANT'S STATEMENT OF
POSITION RE: PROPOSED
PRE-SENTENCE REPORT**

18 **COMES NOW**, Defendant, Jin Xing Wang, by and through undersigned legal counsel and
19 hereby submits his statement of position with respect to the proposed pre-sentence report as required
20 Federal Rules of Criminal Procedure, Rule 32 and the United States District Court of Guam, General
21 Order, 98-00002.
22

23 Pursuant to U.S. District Court of Guam's General Order, Sentencing Procedures; Defendant
24 must file a response to (d)(1) and (d)(2) as stated below:
25

26 (d)(1), All sentencing factors, facts and other matters
27 material to sentencing that remain in dispute,
28 including a statement, and calculation if appropriate,
showing how the dispute affects the calculation of the
applicable guidelines range, and;

3 (d)(2), Whether an evidentiary hearing is requested
4 and, if so, an estimate of the time required for such
5 hearing and summary of the evidence to be produced.
6 Upon receipt of any such objections, the probation
7 officer shall conduct any further investigation and
8 make any revisions to the presentence report that are
9 deemed necessary.

10 Defendant intends to clarify the following sections of said report as follows:

11 1. Paragraph 19 of Presentence Investigation Report Defendant's Statement should be
12 supplemented with the following statement of Defendant:

13 "I cannot return to China for fear of prosecution by Chinese
14 Government because I do not believe in the China Government
15 policies regarding many matters, which include, individual freedoms
16 and life styles imposed on Chinese citizens."

17 2. Paragraph 26 of Presentence Investigation Report should read as follows:

18 "Ping Yu Want" should be spelled, "Ping Yu Wang."

19 With the exception of the above-mentioned changes, Defendant adopts the U.S. Probation
20 Office analysis with respect to requirements (d)(1) and furthermore, hereby waives the right to an
21 evidentiary hearing as provided in (d)(2) of General Order 98-00002 provided all proposed
22 comments described above are included in said Final Presentence Investigation Report.

23 Dated this 2nd day of January, 2008.

24 Respectfully submitted,

25 By:

26 
27 **MARK S. SMITH, ESQ.**

28 Attorney for Defendant, *Jin Xing Wang*